

## REMARKS

In the office action of November 25, 2002, claims 1-20 were rejected. In response the applicants request amendment of the claims as indicated above. Appendix A includes a copy of the affected claims marked up to indicate the requested changes.

Claims 1-20 stand rejected under 35 U.S.C. 101 and 35 U.S.C. 112 for lack of patentable utility. According to the office action, "it appears that the method/system is attempting to sell a matching service for professionals, whereas a match is dependent on independent criteria provided by the client" and since these criteria "could contain a vast amount of different setting combinations" for searchable keywords, the quality and quantity of candidate resume, and the type of position advertisement, the method is not repeatable and would appear to be an attempt to patent "an abstract idea not a concrete process." The applicants submit that the disclosure describes and claims a system and method for locating, screening, and presenting qualified candidates for positions of employment to potential employers. At times specified by a periodicity search parameter, the system and method automatically search computer searchable databases of resumes of candidates for employment for resumes containing keywords that have been associated with the position advertisement for which the search is being performed (p. 10). The system scores the candidate resumes identified by the search and identifies the potential candidate to the computer user (p. 11). The applicants respectfully submit that the system and method return a useful, concrete, and tangible result in returning the identity of a potential candidate for the position of employment on the basis of the use, in a resume, of a keyword associated with a position advertisement particularizing a position of potential employment. Further, the applicants submit that the process is repeatable because the system returns an identity of a candidate on the basis of use of an associated keyword without regard to the number of potential keywords, the quality and quantity of resumes, or the type of position advertisement. The system and method disclosed is in commercial use identifying candidates for employment and the applicants respectfully submit that the method and system are useful and do produce concrete and tangible results. The applicants request withdrawal of the rejections.

Claim 7 stands rejected under 35 U.S.C. 112, second paragraph as indefinite for insufficient antecedent basis for the recitation of "at least one computer database" in the method of claim 1. Claim 7, as amended, recites a "candidate database" which is recited in claim 1. The applicants request withdrawal of the rejection.

Claim 19 stands rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting an essential element: the number of candidate screening queries. Claim 19 has been amended to correct a typographical error and specify a screening query. The applicants request withdrawal of the rejection.

Claims 1-3, 6-10, 15-16, and 18 stand rejected under 35 U.S.C. 102(e) as being anticipated by Thomas, US Patent Publication No. US 2002/0055870A1, (Thomas). Thomas, published May 9, 2002, was filed June 8, 2001 and claims the benefit of United States Provisional Application No. 60/210,206 filed June 8, 2000. While the applicants submit that Thomas does not disclose a method and system that automatically searches candidate databases in response to lapsing of period of time specified by a search periodicity associated with a position advertisement, the applicants respectfully submit that Thomas is not prior art to the instant application. The applicants enclose herewith a Rule 131 Declaration of Prior Invention in the United States establishing invention of the method and system of the instant application prior to June 8, 2000. Accordingly, applicants submit that Thomas is not prior art to the present application and request withdrawal of the rejection.

Claims 4-5, 11, 13-14, and 19-20 stand rejected under 35 U.S.C. 103(a) over Thomas in view of Dewar, US Patent Publication No. US 2002/0055866 A1 (Dewar). Claims 12 and 17 stand rejected under 35 U.S.C. 103(a) as obvious from Thomas. The applicants submit, for the reasons stated above, that the invention is not obvious from Thomas and that Thomas is not prior art to the instant application. Likewise, Dewar, published May 9, 2002, on an application filed June 12, 2001 and claiming the benefit of U.S. Provisional Application No. 60/211,044 filed on June 12, 2000, is not prior art to the instant application and does not disclose automated searching for potential candidates for employment. The applicants respectfully submit that claims 4-5, 11-14, 17, and 19-20 are not obvious from Thomas or from Thomas in view of Dewar and request withdrawal of the rejection.


The office action cites several items of art considered to be pertinent to the application but not relied on. The applicants submit that Mayer et al., US Patent Publication No. US 2001/0034630A1, published October 25, 2001, filed April 20, 2001; Barton, US Patent Publication No. US 2002/0046074A1, published April 18, 2002, filed June 29, 2001; Baumgarten et al., US Patent Publication No. US 2002/0026452A1, filed May 17, 2001; Johnson, US Patent Publication No. US 2002/0133369A1, filed November 5, 2001; and

Nagler et al., US Patent Publication No. US 2001/0039508A1, filed December 18, 2000 are not prior art to the instant application.

Further, the applicants submit that none of the prior art cited in the office action discloses an integrated method or system for employment recruiting wherein potential candidates for positions of employment are identified by a search of web sites or other databases of candidate resumes that is initiated automatically upon expiration of a search period, specified in a search parameter, related to a position advertisement and wherein resumes of candidates are scored and the potential candidates can be contacted by the system and requested to reply screening questions and provide references.

The applicants believe that the claims of this application are now in condition for allowance and the Examiner is respectfully requested to allow claims 1-20 to issue. If the Examiner disagrees or believes that for any reason direct contact with applicants' attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Timothy A. Long".

Timothy A. Long

Reg. No. 28,876